Wake Forest Jurist

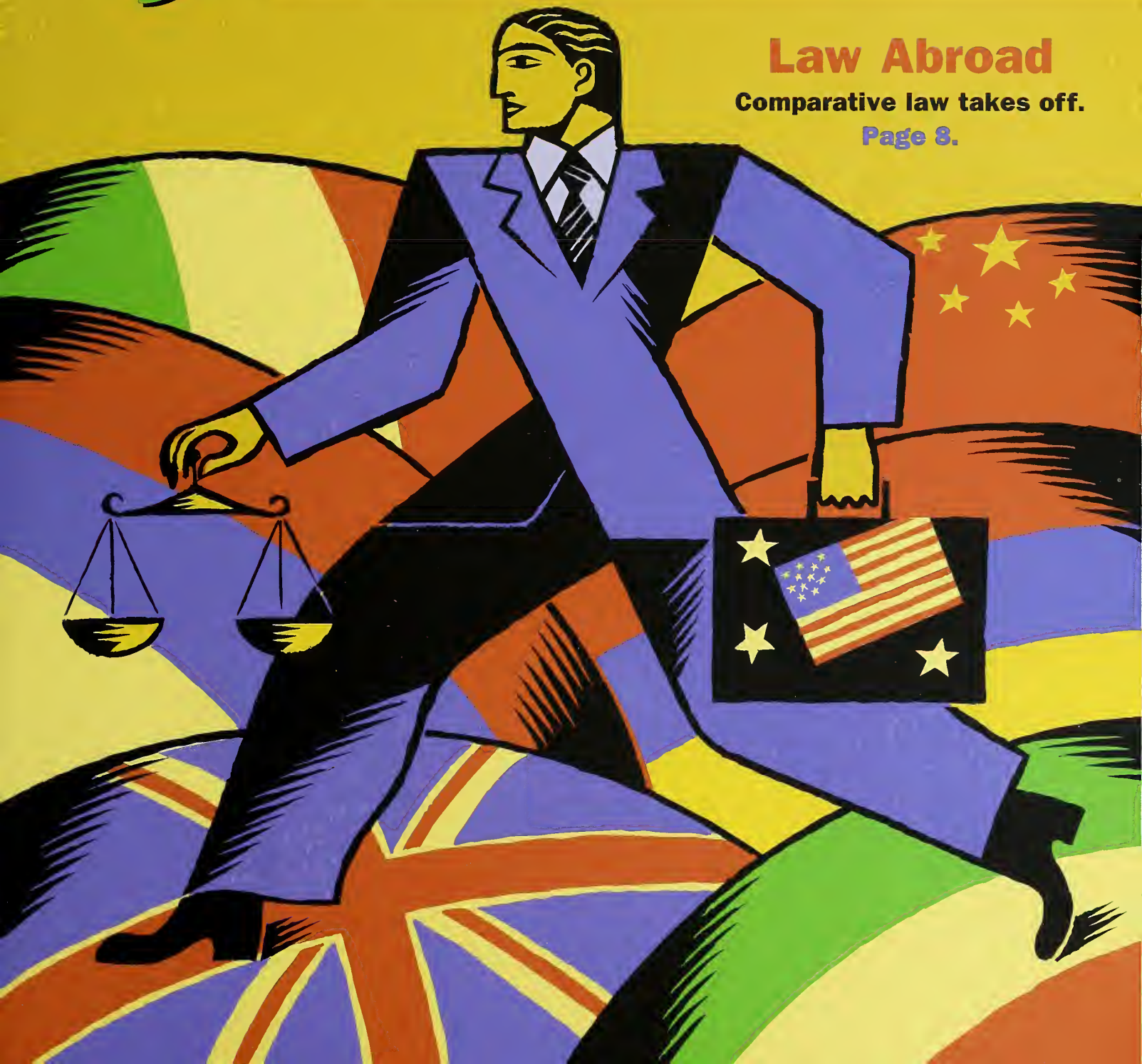
Volume 26, Number 2
June 1996

The **Magazine** *of* **Wake Forest University School** *of* **Law**

Law Abroad

Comparative law takes off.

Page 8.



Dean's Column

In this issue is a feature article on the international and comparative law experiences of four members of the Wake Forest law faculty. I thought it might be useful to discuss their endeavors in the context of the school's entire program.

In 1949, Justice Robert Jackson, summarizing developments in the law with respect to the commerce clause power, wrote, "Our economic unit is the nation." In today's era of free trade, it might well be said that our economic unit is the world.

Television and technology have shrunk the world. Imports and exports have become central to the daily economic lives of Americans. Lawyers, regardless of their location, routinely have local clients asking legal questions about suppliers or buyers in foreign countries.

The international and comparative law components of our curriculum will better prepare our graduates to think like lawyers in the twenty-first century.

While not purporting to train international law specialists, Wake Forest School of Law has recognized that lawyers in the twenty-first century will become increasingly involved in such matters. We teach courses in Public International Law, International Business Transactions, International Tax, International Civil Litigation, European Community Law, Admiralty and Maritime Law, Immigration Law, and a survey course in Comparative Law.

In addition to preparing our graduates to answer questions from clients in the world economic community, comparative law courses add another strength to our program. I am convinced that lawyers who understand the policies behind substantive legal doctrines win arguments that other lawyers do not. This is especially true in cases of first impression or in cases on the margin of developing fields of law. Comparing the development of legal issues in any substantive area with the law of other countries deepens the understanding of our own doctrines and helps better prepare future American practitioners.

To enrich the comparative and international law curriculum in Winston-Salem, we have two summer overseas programs, one in London and one in Venice. In both locations, Wake Forest University owns facilities in which undergraduate programs are held during the academic year. The law school has month-long programs involving two faculty members and fifteen to twenty students in each location. Courses offered in the past few years include History of the Common Law and comparative courses in family law, business organizations, labor and employment law, taxation, commercial law, administrative law, creditors' rights, and criminal law. Students also meet with distinguished foreign lawyers, jurists, and academics and make field trips to courts and other legal institutions. The Venice program is held in cooperation with the universities of Venice and Ferrara and includes the participation of Italian law students and Professor Laura Forlati of the University of Venice.

To strengthen the J.D. program in comparative law perspectives for those who cannot take advantage of our foreign summer programs, we are beginning an LL.M. program in American Law for Foreign Law Graduates. The program, which will begin this coming year, will annually bring to Winston-Salem four to eight graduates of foreign law schools. Wake Forest law students will benefit from having foreign-trained lawyers in their classes who can provide additional insights regarding approaches to legal issues.

The School of Law also maintains a number of extracurricular programs with lawyers and professors from other countries. Under an ABA "sister school" program, the school has an ongoing relationship with Janus Pannonius University in Pecs, Hungary. The associate dean of that school has twice visited Wake Forest, and Professor Don Castleman and I have both visited Pecs. A number of lawyers and law professors from other countries have visited us in the last several years, most recently, a professor of criminal law from the University of Kiev in Ukraine.

The law school's foreign endeavors are part of a larger, important globalization initiative of Wake Forest University. The law school is not neglecting traditional courses, nor is it specializing in international or comparative law. But in the best traditions of a liberal arts legal program, the international and comparative law components of our curriculum will better prepare our graduates to think like lawyers in the twenty-first century. ■

Robert K. Walsh
Dean

Wake Forest Jurist

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June 1996

The **Magazine** *of* **Wake Forest University School** *of* **Law**

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Cover illustration by Timothy Cook

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Abroad View

by David Fyten

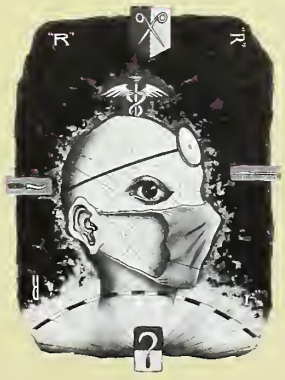
Understanding foreign legal systems can enrich lawyers' appreciation and practice of their own. The School of Law is devoting increased attention to comparative law as a result.

12 FEATURE

Tough Questions, Hard Choices

by Mark A. Hall

Health-care rationing is coming. Will we be rational in preparing for its arrival?



DEPARTMENTS

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IBC **Alumni Profile**

Productive

Publishing ranking shows law school faculty striking ideal balance between scholarship and teaching.

WAKE FOREST SCHOOL of Law has garnered some respectable rankings in a survey conducted by the *Chicago-Kent Law Review* which examined the productivity of 178 ABA-accredited law school faculties.

The survey, published in late 1995, was based in part on citations in the leading law reviews over the five-year period from 1988 to 1992. The faculty of Wake Forest School of Law was given the nod as one of the more productive faculties in the nation, ranking thirty-ninth in articles published in the top ten law reviews and fortieth in articles published in the top twenty law reviews. An overall ranking placed Wake Forest as the forty-second most prolific law school faculty in law review publications.

The survey authors counted articles, essays, and reviews published by a professor, associate professor, or assistant professor, and took into account the average number of faculty at each school to establish a base of potential publishers.

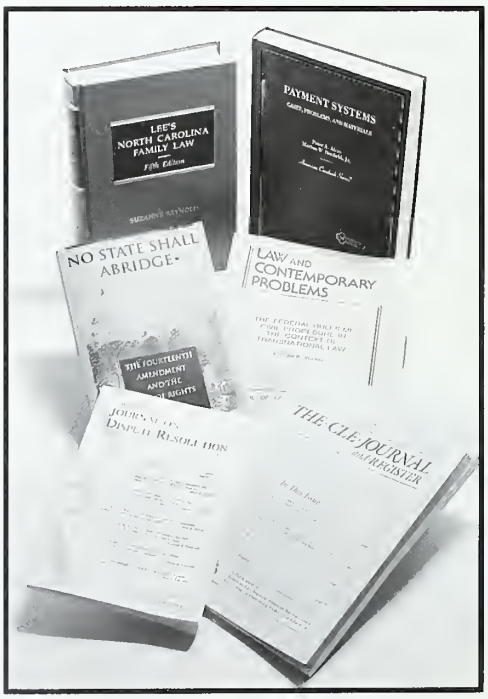
What the survey did not include was the number of casebooks and other law texts published by faculty here—something that Dean Robert K. Walsh believes would have led to a much higher ranking. More than a half a dozen faculty have either published books or are under contract to do so, said Walsh. Among them are casebooks or treatises on land use regulation, health care law, taxation, criminal procedures, corporate law, library science, and constitutional law. Four faculty members will publish books on North Carolina law in the coming months as well.

"All of this has been achieved without taking away from the importance of teaching," Walsh says. "Indeed the great number of casebooks by our faculty will result in many of them being 'teachers of law teachers.' "

Thomas M. Steele, a professor of law and director of the Worrell Professional Center Library, says the ranking is a good indication that the faculty, while certainly productive in scholarship, is also in balance. "One could certainly say that if we were writing a great deal more we might be detracting from our teaching," says Steele, who has had several books published in the past few years and is in the process of writing two more. "But I'd say we're very close to the proper balance. We really are striving for, and I think have done an effective job of accomplishing, the goals of Wake Forest and in reaching for that teacher-scholar ideal."

'We're very close to the proper balance. We really are striving for... that teacher-scholar ideal.'

A survey by the *Princeton Review* would appear to back up Steele's notions about reaching the teacher-scholar ideal. In a survey on student satisfaction, the review ranked the Wake Forest School of Law in the top 11 percent of 178 law schools surveyed. ■



Core commander

As Worrell Professional Center Library director, Thomas Steele is at the law school's nerve center.

ASK A LEGAL scholar what lies at the heart of a law school and you're likely to hear three simple words: the law library. Outside of the classroom, a law school's library is perhaps the most defining element of a school, a nerve center that supplies professor and student alike with access to indispensable information on all things legal. Such is certainly the case at the Wake Forest's Worrell Professional Center Library, which is unique in that it serves not only the Wake Forest School of Law but also the Babcock Graduate School of Management.

As would be expected, it's a place quietly buzzing with activity, brimming with books, and bristling with the latest hardware. And at the heart of it all is its director, Thomas M. Steele, who, along with a staff of seventeen, keeps it all running smoothly.

Steele's office—a study in organized chaos—is perhaps indicative of the tremendous behind-the-scenes effort that it takes to keep a law library functioning. If the folders, books, magazines, newspaper clippings, and loose papers stacked more than a foot high on Steele's desk tell a story, it is that Steele is a very busy man.

Beyond his responsibilities at the library, he teaches several law courses, writes prolifically, and somewhere finds time to serve as executive director of Scribes, the American Society of Writers on Legal Subjects. Early this summer he'll be at Wake Forest's Worrell House in London teaching a course on English Legal History and Institutions.

School of Law Dean Robert K. Walsh praises Steele as something of a jack-of-all-trades. "I think that Tom is a man of many parts—a Renaissance person, really," Walsh says. "In addition to being nationally acclaimed and respected among law librarians, he's also a respected law faculty member and leader. If you want information on any subject under the sun—not just law, but anything—Tom can find it. He's sort of like a personal Internet."

Thomas M. Steele: *'We're here to teach people, not just feed them information.'*

In an article he wrote for the *North Carolina State Bar Quarterly* last fall, Steele noted there's a myth about law librarianship, that it is "somehow a sedate, stressless profession." He notes that, "nothing could be further from the truth."

Steele shrugs off the hectic pace as "just part of the job" and credits his parents with instilling in him the value of a job well done. It's a work ethic that has served him well throughout his career.

After earning his undergraduate degree at Oklahoma State in 1969 and beginning his graduate studies in Chinese history, Steele was drafted into the Army, where he was an M.P. at the U.S. Military Academy at West Point. From there he pondered going on to getting a Ph.D. in history, a subject he truly loves. But an abundance of history doctorates at the time ("about 15 Ph.D.s for every opening," as Steele recalls) convinced him to consider other options. His father was an accountant and had just completed a law degree, so Steele decided that "maybe library science and law offered a better avenue for me."

He completed his masters in library science at the University of Oregon and his juris doctorate at the University of Texas School of Law, where he had the opportunity to work under one of the country's leading law librarians, Roy Mersky. "That was really a learning experience for me," Steele says. "Mersky was one of the most highly respected people in the field, and he taught me a lot about the right way to run a library."

He took that experience and parlayed it into positions at the law libraries at Southern Methodist University, Franklin Pierce College in New Hampshire, and the University of Mississippi before coming to Wake Forest in 1985. When he arrived here the law school and library were housed in what is now Carswell Hall. Soon came the arduous task of moving to the newly constructed Professional Center Library—no easy feat, given that he had two weeks to move more than 150,000 volumes and roomfuls of equipment. "Of course it was during finals week, so we had to be quiet, too," Steele laughs. Nonetheless, the move came in under budget and was finished ahead of time, illustrative of the way he gets things done. So unique was the experience, he ultimately wrote a book

Continued on page 4

National Trial Team excels

The Wake Forest University School of Law National Trial Team advanced to the semifinals of the national trial competition in Houston after winning the Southeastern regional competition in March.

The team won three preliminary trials at the national competition, beating Stetson University to advance to the final eight. Team members were Danielle Thompson, David Upchurch, Mark Boynton, Stephanie Reese, Leslie Godby, George Holding, Susan Serad, and Michael Lee.

Adjunct professor Stephen Berlin has coached the team for five years, and said making it to the final eight is an accomplishment in itself. "You're going against some very good teams from all around the country, so I think we did very well," he said.

School hosts Jessup competition

The Wake Forest Society of International Law and the Wake Forest Moot Court Board co-sponsored the East Regional Finals of the Jessup International Moot Court competition in February.

Ten teams from law schools in five states came to the Worrell Professional Center for the event. Wake Forest School of Law was selected from several law schools who had asked to host the event.

Tom Steele

CONTINUED FROM PAGE 3

on planning and executing a law library move.

He calls the combined law and management library an enormous improvement. "The Professional Center Library gives the students a real sense of place in the community," he says. "Architecturally it's very inviting to the students, and they feel the building is theirs. I think it's really been a success in those terms."

Among the day-to-day jobs that Steele and his staff oversee are the procurement of new law texts, answering reference questions, assisting faculty in planning research projects, teaching research, and, perhaps the most challenging, dealing with the onslaught of new technology that is rapidly changing law librarianship.

"What we have today is a highly complex environment for gathering legal information," Steele says. "The combination of resources available today is incredible, and the difficulty is in teaching people to use them."

But he stresses that teaching is the library's number one goal. "Although we are a library, we're really in the business of one-on-one education. That's one way we differ from other libraries. We're here to teach people, not just feed them information." ■

ABOVE: *PILO MEMBERS MAKE LEARNING ABOUT THE LAW FUN FOR SCHOOL KIDS.*

Seeing the forest

Robin Hood 'trial' instills appreciation for law in elementary school students.

MORE THAN FIFTY Wake Forest law students visited local elementary schools in February to put Robin Hood on trial—an unusual approach to teaching third-, fourth-, and fifth-grade students about the legal system.

Sponsored by PILO—the Public Interest Law Organization—the mock trials were the idea of Diana Puknys (1L), who said the organization wanted to find a way to get involved in the Winston-Salem community. "We thought it would be a great opportunity to go into the schools and show the students what law is about," she says. "There's become this prejudice and fear of the law, especially in underprivileged neighborhoods, and we wanted to show the kids that law is a good thing and that justice does work."

'There's become this prejudice and fear of the law, and we wanted to show the kids that law is a good thing and that justice does work.'

What Puknys and other law students came up with was a trial based loosely on the legend of Robin Hood, where law students played the parts of judge, defense attorney, prosecutor, Sheriff of Nottingham, and Robin Hood and elementary school students played bailiffs, witnesses, and jurors. The elementary school students were responsible for listening to the facts of the case and issuing a verdict.

About 350 elementary school students at two schools took part in or observed the trial. "The kids were absolutely terrific," says Puknys. "They asked a lot of intelligent questions, very insightful questions." She says it was encouraging to see, after one of the mock trials, a teacher ask the kids how many of them wanted to become lawyers. "About 75 percent of them said they did," she reports.

While providing an informative and entertaining trial, Puknys says PILO wanted to leave the children with the message that the legal system works and that breaking the law is never the right thing to do—even if it seems justified. ■

Faculty notes

IT'S BEEN A busy and productive year for the Wake Forest law faculty. Some of the highlights:

Carol Anderson's book, *North Carolina Trial Practice*, was published by The Michie Company this spring. She also is serving this year as vice president of the Forsyth County Bar Association.

Marion Benfeld has been appointed to chair a subcommittee on consumer issues of the National Conference of Commissioners on Uniform State Laws Article 9 Drafting Committee.

Rhoda Billings is a co-vice chair of the Commission on the Future of Justice and the Courts in North Carolina. She also is a vice president of the National Conference of Commissioners on Uniform State Laws.

Don R. Castleman is the current chair and president of the Bethesda Center for the Homeless. He also chaired a panel discussion on computer technology in legal education at the annual meeting of the Southeastern Association of American Law Schools.

Butch Covington is serving as the law school's representative on the North Carolina General Statutes Commission.

Michael Curtis has in recent months published several law review articles dealing with free speech and defamation, as well as an historical piece on Albion Turgee, Mr. Plessy's lawyer in the landmark Supreme Court decision *Plessy v. Ferguson*. His articles have appeared in the *Northwestern University Law Review*, *The William and Mary Bill of Rights Journal*, the *Wake Forest Law Review*, and *Constitutional Commentary*.

Miles Foy chaired the Wake Forest Symposium on Presidential Disability and the Twenty-Fifth Amendment. The symposium's proceedings have since appeared on C-Span.

Sue Grebeldinger published an article titled "The Role of Workplace Hostility in Determining Prospective Remedies for Employment Discrimination" in the March 1996 issue of the *University of Illinois Law Review*.

Mark Hall's book, *Making Medical Spending Decisions*, will be published later this year by the Oxford University Press *(see article on page 12)*. He also is the general editor for a treatise titled Health Care Corporate Law.

Buddy Herring is a member of the North Carolina Board of Legal Specialization. He also is co-chair of the North Carolina Bar Association Family Law Section's Subcommittee on Alimony.

David Logan's new book, *North Carolina Torts*, will be published by The Carolina Academic Press this summer. He also published an article in *The William & Mary Law Review* titled "Of 'Sloppy Journalism', 'Corporate Tyranny' and Mea Culpas: The Curious Case of *Moldea v. New York Times*."

Kate Mewhinney currently serves on the board of directors of the National Academy of Elder Law Attorneys.

Joel Newman spent the Fall 1995 semester as a Fulbright Lecturer at Xiamen University in the People's Republic of China. While at Xiamen, he also presented papers at several other Chinese universities *(see article on page 8)*.

Steve Nickles was a co-author of a new bankruptcy textbook, *Business Reorganization in Bankruptcy*, published this year by West Publishing Company.

Alan Palmiter is working towards completion of a major new corporation hornbook for West Publishing Company, as well as a student text on securities regulation for Little, Brown and Company.

Wilson Parker has published an article on employment law in the *Iowa Law Review*.

Suzanne Reynolds spearheaded the creation and operation of a new law student volunteer program, the Domestic Violence Advocacy Center, which provides assistance and advice to victims of domestic violence. She also is at work on the second volume of her treatise on North Carolina family law.

Pat Roberts is chairing the Donative Transfers Section of the Association of American Law Schools and is serving on the Council of the North Carolina Bar Association's Estate Planning Section.

Tom Roberts published an article titled "Ripeness and

CONTINUED ON PAGE 6

Symposium focuses on commercial arbitration

The Wake Forest Law Review sponsored a one-day business law symposium on commercial arbitration in March which featured several nationally known experts on the subject.

Speakers included William K. Slate II, president and chief executive officer of the American Arbitration Association, and Karen Kupersmith, senior counsel in the arbitration department of the New York Stock Exchange.

Stephen Hayford, associate professor of management and dispute resolution at Wake Forest's Babcock Graduate School of Business, opened the symposium with a discussion of the Supreme Court's most recent opinions on the subject of arbitration under the Federal Arbitration Act. Other speakers addressed the role of arbitration in medical malpractice, discrimination, and securities litigation.

Law Review editors Heather Haase, Bruce Miller, and Jeffrey Miller organized the symposium.

Trial techniques

The American Trial Lawyers Association joined the North Carolina Academy of Trial Lawyers in sponsoring a program on trial advocacy at the School of Law in February.

The program, "Being the Best, From the Best: Trial Techniques for the New Lawyer," was open to students, faculty, and practicing attorneys. Leading the program were North Carolina attorneys Karen Boyle, Wade E. Byrd, Charles L. Becton, and Douglas B. Abrams.

Faculty notes

CONTINUED FROM PAGE 5

Forum Selection in Fifth Amendment Takings Litigation" in the *Journal of Land Use and Environmental Law*. He also is co-chair of the Land Use Litigation Subcommittee of the Land Use Committee of the ABA's Section of State and Local Government Law.

Charles Rose was awarded the Jurist Excellence in Teaching Award for 1996.

Simone Rose's article on the antidilution doctrine as it is used in intellectual property practice will appear this fall in the *Florida Law Review*.

Richard Schneider's piece, "John Hazard in Moscow: 1934-1937," was recently published in the International Practitioner's Notebook. He also has done extensive work for the Lawyers Committee for Human Rights.

David Shores' article, "Law, Facts and Market Realities in Antitrust Cases after *Brooke* and *Kodak*," was published in the *Southern Methodist University Law Review*.

Tom Steele co-authored, with Mary Lou Corbett, *Guide to North Carolina Legal and Legal-Related Materials*, published by the American Association of Law Libraries.

Associate Dean **James Taylor** has been named president of the Board of Trustees of the Air Force Judge Advocate General (JAG) School Foundation.

Margaret Taylor's article, "Detained Aliens Challenging Conditions of Confinement and the Porous Border of the Plenary Power Doctrine" was published last fall by the *Hastings Constitutional Law Quarterly*. She also was an invited speaker in a roundtable discussion, and consulted with the U.S. Commission on Immigration Reform, on detention policies for excludable and deportable aliens in April.

George Walker is chair of the International Law and Practice Section of the North Carolina Bar Association. He also presented a paper last fall at the Naval War College on "Oceans's Law, the Maritime Environment, and the Law of Naval Warfare."

As chair of the American Bar Association Standards Review Committee, Dean **Robert K. Walsh** has been in charge of a major project to completely revise the standards and interpretations governing ABA accreditation for the first time in more than twenty years. He also is a member of the governing council of the ABA Section on Legal Education and Admissions to the Bar.

Ron Wright was this year's recipient of the Joseph C. Branch Excellence in Teaching Award. He also published several articles, dealing with topics such as congressional grants of immunity and criminal sentencing guidelines, in the *Minnesota Law Review*, the *Wake Forest Law Review*, and the *Federal Sentencing Reporter*. ■

Wake Forest University

CONTINUING LEGAL EDUCATION

Fall 1996 Schedule

16th Annual Review

12 HOURS (2 EC)

SEPTEMBER 13–14
Live
McKimmon Center, Raleigh

OCTOBER 11–12
Live
Westin Hotel, Charlotte

OCTOBER 25–26
Live
Grove Park Inn, Asheville

NOVEMBER 22–23
Live
Benton Convention Center, Winston-Salem

DECEMBER 5–6
Video
Tri County C.C., Murphy

JANUARY 3–4
Video
Worrell Professional Center, Winston-Salem

JANUARY 23–24
Video
McKimmon Center, Raleigh

Representing the Elderly 1996

6.25 HRS. (4.5 PSC, 1EC)

AUGUST 23
Live
McKimmon Center, Raleigh

SEPTEMBER 20
Video
Holiday Inn Select, Winston-Salem

NOVEMBER 15
Video
Grove Park Inn, Asheville

DECEMBER 6
Video
WFU MBA Center, Winston-Salem

Practical Family Law

12 HRS. (9 PSC, 2 EC)

OCTOBER 3–4
Live
McKimmon Center, Raleigh

OCTOBER 17–18
Video
Holiday Inn Select, Winston-Salem

NOVEMBER 7–8
Video
Westin Hotel, Charlotte

NOVEMBER 14–15
Video
Coastal Carolina C.C., Jacksonville

DECEMBER 12–13
Video
Grove Park Inn, Asheville

FEBRUARY 13–14
Video
Ramada Inn, Greenville

General Practice

12 HRS. (9 PSC, 2 EC)

OCTOBER 31–NOVEMBER 1
Live
Holiday Inn Four Seasons, Greensboro

DECEMBER 5–6
Video
McKimmon Center, Raleigh

JANUARY 9–10
Video
City Fair Downtown, Charlotte

JANUARY 16–17
Video
Radisson Prince Charles, Fayetteville

JANUARY 30–31
Video
College of the Albemarle, Elizabeth City

FEBRUARY 6–7
Video
Grove Park Inn, Asheville

Personnel Law

12 HRS. (1 EC)

SEPTEMBER 12–13
Live
Wyndham Bristol, Washington, DC

OCTOBER 3–4
Live
Sheraton Hotel, Chicago, IL

DECEMBER 12–13
Live
JW Marriott, Atlanta, GA

FEBRUARY 6–7, 1997
Live
WDW Swan, Lake Buena Vista, FL

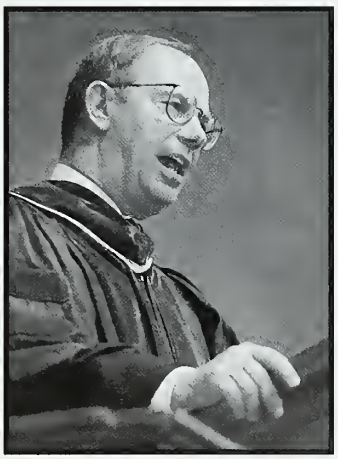
Upholding the law

Centennial graduating class told to treat profession as public service first.

IT WAS 100 years ago that Wake Forest School of Law graduated its first students, and in the intervening century the legal profession has changed mightily—and not always for the better. So observed Burley B. Mitchell Jr., Chief Justice of the North Carolina Supreme Court, in his address to the Class of 1996 during the traditional hooding ceremony May 19.

What has changed in recent years, Mitchell noted, is not so much the profession but the perception of the profession. "The public has little faith in the legal profession or other institutions in this society," Mitchell told the students. "I urge you to treat your profession as, first and foremost, a public service—a public service by which you serve humanity, and coincidentally make a good living."

Among the 156 members of this year's class were two who graduated *magna cum laude* and fourteen who graduated *cum laude*. Graduating *magna cum laude* were Mark Christopher Lehberg and Barry Ford Robertson Jr. Graduating *cum laude* were John Barnwell Anderson, Craig Robert Baldauf, Neil Matthew Day, Kerrie Vaughan Forbes, Adam Timothy Frost, Darren T. Hovarth, Daniel R. Johnston, George William Joyner III, James Robert Langdon, Allison Kaye Overbay, Amy Elisabeth Rickner, Jeffrey A. Sanborn, Michael Leo Schenk, and Michael Elliot Turner.



TOP: *CLASS OF 1996 MEMBER* ADAM MEYER *(center) IS FLANKED BY (left) HIS BROTHER,* LOUIS MEYER III *(JD '83), AND (right) HIS FATHER, FORMER STATE SUPREME COURT JUSTICE* LOUIS MEYER JR. *(BA '55, JD '60).*

ABOVE: *HOODING CEREMONY SPEAKER* BURLEY B. MITCHELL JR.: *'THE PUBLIC HAS LITTLE FAITH.'*

HONORARY DEGREES ARE CONFERRED UPON **(LEFT, ABOVE)** HIRAM H. WARD, *BY WAKE FOREST PRESIDENT* THOMAS K. HEARN JR., *AND* **(LEFT, BELOW)** JAMES W. MASON, *SHOWN HERE BEING HOODED BY VICE PRESIDENT AND FORMER LAW SCHOOL ADMINISTRATOR* KENNETH A. ZICK.

Wake Forest School of Law graduates James W. Mason (JD '38) and Hiram H. Ward (JD '50) received honorary degrees, the first time in the law school's history that two alumni have received honorary degrees at one commencement ceremony.

Mason, who was awarded Wake Forest's highest honor for distinguished service, the Medallion of Merit, in 1980, has served as a Wake Forest trustee since 1961. He was a North Carolina state senator from 1957 to 1959 and is a former chair of the Baptist State Convention's Council on Christian Higher Education. He previously was awarded the Distinguished Service Award from the School of Law.

Ward, Senior Judge of the Middle District of North Carolina, has served on the federal bench since his appointment by President Nixon in 1972. A decorated veteran of World War II, he received the School of Law's Outstanding Alumnus Award in 1980 and 1989 and the prestigious Liberty Bell from the North Carolina Bar Association in 1994. ■

Abroad

COMPARATIVE LAW — THE CONTRASTING OF FOREIGN LEGAL CODES WITH OUR OWN — HAS PRACTICAL BENEFIT BEYOND THE CONDUCT OF INTERNATIONAL TRANSACTIONS. IT CAN ENRICH ONE'S PRACTICE AT HOME.

It is said that to know others well, you must know yourself. The reverse could be said of the law. To fathom their own laws and legal system, American lawyers would do well to plumb those of other countries.

Until not very long ago, international transactions were mainly the province of large firms in coastal cities. Today, it is exceptional when a firm of even modest size anywhere in the United States has not had some dealings in other nations. Law schools are recognizing the need to help prepare their students for the foreign practice they'll be called upon increasingly to do by incorporating elements of international law and the laws of foreign countries and political or economic unions into their curricula.

Beyond this, Wake Forest School of Law is giving greater attention to comparative law—the contrasting of other countries' legal systems with America's—to broaden its students' understanding of the policies behind our laws and the directions those policies are heading.

The law school has four-week summer comparative law programs in London and Venice. In each, two faculty members teach legal aspects from a comparative standpoint. This summer, for example, Suzanne Reynolds will teach comparative family law in London and Ronald F. Wright Jr. and Richard S. Schneider will teach comparative administrative and environmental law, respectively, in Venice. Besides benefiting the students educationally, the programs enhance faculty participants' facility with comparative law issues, which they can apply in their courses at Wake Forest.

Although Wake Forest students comprise the London program exclusively, they are joined in Venice by Italian law students. The

Left to right: JOEL S. NEWMAN, DON R. CASTLEMAN, RICHARD S. SCHNEIDER AND ALAN PALMITER.

BY DAVID FYTEN

View

opportunity to mingle with students from other countries is part of the impetus behind a new graduate program in American law for foreign students which will be launched at the School of Law this fall. Each year, as many as eight foreign law graduates will spend a year at Wake Forest gaining exposure to the American legal system and the American way of thinking about legal problems. Wake Forest students will benefit from having foreign-trained lawyers in their midst who will give them additional insights regarding legal problems and approaches to legal issues.

Providing a comparative law outlook in a variety of courses throughout the curriculum is a goal of Dean Robert K. Walsh. "I am convinced that lawyers who understand the policies behind substantive legal doctrine win arguments in court on those legal questions in cases of first impression or those on the margin of the development of that legal area," he says. "Comparing the development of legal issues in criminal law, torts, or any substantive area with the law of other countries deepens the understanding of our own doctrines and helps better prepare future practitioners."

'AN UNDERSTANDING OF CIVIL LAW IS VERY IMPORTANT TO AMERICAN LAWYERS AND LAW STUDENTS TODAY. IT'S ALMOST IMPOSSIBLE TO AVOID IT NOW.'

To enrich the faculty's expertise in international and comparative law, the school hired Schneider in fall 1992. He teaches, among other topics, international business transactions, and he is preparing a survey course in comparative law.

Schneider has been fascinated with Russia since boyhood. He majored in Russian in college, and after graduating in 1976 he spent a semester in Leningrad (now St. Petersburg). But then he enrolled in law school, and he assumed he would practice domestic law, with his interest in Russia little more than, as he puts it, an "appendage."

His law practice became international through four years of service with a New York firm with an office in Brussels. Then, in 1988, Soviet leader Mikhail Gorbachev extended the Joint Venture Law which opened his country to greater Western investment. Soon Schneider was shuttling back and forth between New York and Moscow working on deals for Pan American, Sheraton, and other corporations as well as representing Russians in their dealings in the U.S.

Eventually he tired of the incessant travel and opted for a teaching career. But that didn't halt his work abroad. In the summers of 1993 and 1994, he taught business and investment law to Russian and American students in Moscow under the auspices of Yeshiva University's Cardozo Law School summer program. He also writes the Russia portion of the Lawyers Committee for Human Rights' annual critiques of U.S. State Department reports on human rights conditions in other countries.

"The thing to keep in mind is that Russians have only recently emerged from three generations of socialism in which law was completely irrelevant or observed only in the breach," he says. "They were not used to structuring business transactions within the law and were unfamiliar with basic concepts like loans and limited liability.

"They also are very inflexible with regard to the law," he continues. "If the law says, no, you can't do something, for Russians, that's the end of the matter. For us, of course, it's only the beginning. Teaching [Russians] has given me insight into a different way of lawyering."

Schneider also benefited from his exposure to civil law in Brussels—benefits he now shares with his Wake Forest students. "In civil law transactions, lawyers don't look at precedents, they write much shorter contracts, and they serve an ancillary role—all of which, of course, are quite different than our [common law] system," he says. "Today, when I teach my international business class or my European Union class, I'm able to convey in an immediate way a very different way of looking at and dealing with the law."

"An understanding of civil law is very important to American lawyers and law students today," he adds. "It's almost impossible to avoid it now."

A number of other faculty members have practiced or taught abroad in recent years, enriching their personal and professional lives and class discussions.

The former Soviet bloc also is familiar territory to Professor Don R. Castleman. In spring 1992, he was invited to participate in the American Bar Association's Central and Eastern European Law Initiative (CEELI), a program designed to instill Western influence in legal education in eastern European countries as they emerged from Communist systems. He spent five weeks at the Janus Pannonius Institute in Pecs, Hungary, then five weeks at the International Business School in Moscow lecturing on American corporate and criminal law before wrapping up his trip with a three-week stint at the University of Tartu in Estonia promoting the program. He returned to Russia for three weeks in 1993, and he has taught in the summer program in London as well.

In Hungary Castleman taught young people who for the most part were uncertain about their future. In Moscow he taught mostly older people of mixed nationality—entrepreneurs, employees of companies being privatized, members of wealthy families—the mechanics of setting up corporations.

Castleman characterized both legal systems as steeped in the "arbitrary, personal exercise of power." Lawyers are agents not of their clients, but of the law and the state.

"It gives you a clarity—lets you put things in real focus," he says of exposure to foreign systems. "I got my clearest understanding of the uniqueness of our Constitution in an all-night debate on a train with a Chinese man. I had a very hard time helping him understand the concept of the rights of the individual versus the common good, and how our Bill of Rights protects the individual from the tyranny of the majority.

"But in Russia and Hungary I came to see the weaknesses as well as strengths of our own system," he continues. "In criminal cases we haven't quite figured out yet how to temper the right of the individual with the need to protect the majority from predators. As a society we do need to have a little more ability to detect and deter crime."

Professor Joel S. Newman spent this past fall in an even more distant location—the Chinese coastal city of Xiamen. Even the longest journey begins with a single step, and his began in a restaurant near Wake Forest's campus.

Newman, a tax specialist, had been interested in teaching in China under a Fulbright Fellowship program for more than a decade. "I know a Chinese person who worked at a takeout restaurant [in Winston-Salem]," he says. "I was telling her about the program one day when this guy who was eating there chimed in, 'You really ought to go to Beijing.' It turned out he was a physics graduate student, and he was able to get me an invitation."

Newman was assigned to Xiamen University, where he taught two courses—taxation of international transactions and legal ethics—to third-year students. In China, as in virtually every country outside the U.S. and Canada, the study of law is an undergraduate discipline.

"The Chinese view of law is a lot different from our own," says Newman. "Their presumption is a lot closer to guilty until proven innocent. The mark of a good criminal court judge in China is one who decides the case before trial. Lawyers and the public do not have access to cases, but the judges do. It sounds a lot like secret law, but as a civil law country, China doesn't care about cases, it cares about statutes."

'DESPITE ALL THE JOKES, AMERICA VALUES ITS LAWYERS AND LEGAL SYSTEM MORE THAN ANY OTHER COUNTRY IN THE WORLD.'

Newman learned the extent to which the Chinese value group harmony over self-interest when he administered an exercise he conducts in his Wake Forest classes. He turned the class into a hypothetical law firm and led a meeting at which the members discussed changing the firm's compensation system from seniority to productivity.

"It's been my experience [at Wake Forest] that if the students really get into their roles the firm will break up," he says. "In my Chinese class the meeting was very lively; people got angry—but the firm didn't break up. The majority sentiment seemed to be, 'These are my friends and coworkers, I can't leave them.' Chinese college students are grouped according to discipline. Everybody lives in the same dorm, they wear uniforms, and the third- and fourth-year students are drill instructors for the first-year students. They're a family. In later life if one is a lawyer and another is a judge, they'll do favors for each other."

Perhaps no other Wake Forest law faculty member has more of an international background than Professor Alan R. Palmiter. The son of lay missionaries, he was born in India and spent his childhood in various parts of Central and South America. After college he taught math for two years in Colombia, and after law school he joined a Washington, D.C., firm which had offices in five countries. Since coming to Wake Forest in 1986, the business law specialist has gone to Colombia every year, and he has taught two summers in the Venice program.

Palmiter's most extensive stint in Colombia while he has been at Wake Forest was in fall 1994, when he taught at three universities and gave lectures on U.S. corporate law under a Fulbright Scholarship.

"Corporate law is a great area for contrasts," he says. "U.S. corporate law is far more liberal, more facilitative. It assumes the goodwill of the parties and imposes significant penalties for those who abuse this confidence. Colombian law, on the other hand, is far more formal and regulatory. It assumes dishonesty and bad faith and regulates transactions at their inception. Penalties are far more difficult to enforce."

According to Palmiter, Colombia's system inhibits its economy with a lot of government-imposed costs. To become more competitive in the global marketplace, Colombia, like many countries, is trying to liberalize its business laws—to, as Palmiter puts it, "out-America America" with an open, free-market system that may swing too far the other way.

"I came away with a much greater appreciation of our court system, which is an effective last defense against corruption and evil-heartedness," he says. "Colombia hasn't developed institutions of the same quality and integrity."

Palmiter says the study of comparative law "broadens students' understanding of the world and prepares them for the non-U.S. experiences that are washing on our shores and pushing down barriers." American legal education, he says, "never has been riper" for it—"both because the soil in which we plant our seeds, the students, are coming to us with much greater interest, and because many of us [faculty members] are prepared to plant those seeds."

Palmiter is especially enthusiastic about the new graduate program in American law for foreign students. "It will enable [participants] to take back the American perspective to their own countries," he says. "But in some respects, it will benefit us even more. We teachers will gain different perspectives, and our students will be able to learn from and share with their international counterparts.

"Above all, it will sharpen and deepen our students' understanding and appreciation of their own system," he adds. "Despite all the jokes, America values its lawyers and legal system more than any other country in the world." ■

Tough Questions, Hard Choices

by Mark A. Hall

Whether health care should be rationed no longer is the question. Now we must ask ourselves what should be rationed, when and where, and for whom, by whom, and how.

When we are ill, we desperately want our doctors to do everything within their power to heal us, regardless of the costs. Medical technology has advanced so far, however, that literal adherence to this credo for every human frailty would consume most of our country's entire economic output, causing economic collapse. Bringing our massive medical prowess to bear on every physical and mental deficiency would mean treating each person's occasional insomnia, periodic lethargy, seasonal allergies, and minor aches and pains as if they were life-threatening illnesses. This is obviously hyperbole, but it illustrates what it would mean to take seriously the sentiment that nothing is more valuable than one's health and thus cost should be no object when it comes to medical care.

POL TURGEON

We have always rationed health care resources on a massive scale, but we have done so according to irrational and unjust principles.

Stopping short of this absurd state of affairs requires some sacrifice of marginal medical benefit in favor of other social needs. Someone, somewhere must decide which items of potential medical benefit are not worth the cost.

Making these medical spending decisions is discussed in various terms, the most alarming of which is health care "rationing." In order to avoid drawing the fire of those who oppose any use of this term, discussion of these issues sometimes leans toward the more neutral terminology of resource allocation or spending decisions. Using the emotionally charged "R" word in this life-and-death context can polarize discussion and hamper rational analysis as seen during the national debate over President Clinton's sweeping proposals for health care reform. President Clinton adamantly asserted that his reforms would not cause rationing, a claim that was sharply disputed by his critics. Despite their bitter clash, both sides were in tacit agreement that it is desirable and feasible to avoid any health care rationing.

Some respected policy analysts from academic and medical circles also dispute my axiomatic starting premise that rationing is inevitable. Instead, they argue that all our health-care needs could be affordably met if we eliminated the large portion of "unnecessary" care that bloats the present health care budget. This position is conceptually confused and empirically wrong. Conceptual confusion springs from the misunderstanding or misuse of the term "medically necessary." Using "need" to set limits on spending contradicts the fundamental trait of human psychology that our needs are shaped by our wants, which are themselves shaped by available resources. What is possible is desired, and our wants become our needs. Therefore, over the long run, need is more *de*scriptive of how we actually spend money than it is *pre*scriptive of how money should be spent.

As interpreted in practice, "medically necessary" lacks sufficient independent meaning to set a solid limit on how we spend health care resources. Few current expenditures are so devoid of any plausible medical benefit that they could be eliminated solely on the basis of being entirely unnecessary. Consider, for example—after the development of X-ray machines costing $100,000 each, followed by CAT scanners that cost $1 million, and magnetic resonance imagers at a cost of $3 million—whether there is now a widespread need for PET scanners (positive emission tomographers) which approach $10 million each. They are remarkable diagnostic machines that reveal detailed information about chemical brain activity. Clearly, every hospital should have at least one. Although not all medical spending entails such high-tech advances, most of it is for something that is plausibly superior to a cheaper alternative. Very little can be confidently eliminated as wholly unnecessary.

Suppose this were not the case, though. Suppose we could trim a thick layer of fat off of the bulging physique of medical enterprise. We still would not control medical inflation over the long run without some form of rationing. Eliminating unnecessary care does not provide lasting relief because it is only a one-time savings that is quickly engulfed by the inevitable progress of medical advances.

It is sometimes thought that medical advances will eventually reduce medical spending by making people fundamentally healthier, but this assumption is equally flawed. Medical needs are inherently limitless because aging and illness are a permanent feature of the human condition. Much beneficial medical care results in people living to an older age where they are more frail and succumb to more chronic and expensive diseases. This does not mean we should suppress these innovations, only that the drive to conquer all forms of illness is ultimately doomed to failure. The course of history over this century demonstrates that, as medicine advances, so do both medical needs and medical spending.

For these various reasons, most policy analysts recognize that rationing in some form is desirable and inevitable. We have always rationed health care resources on a massive scale, but we have done so according to irrational and unjust principles. We ration health care by denying it to those individuals who lack insurance either because their employer does not provide it or because their level of poverty has not yet fallen to the desperate level required for Medicaid eligibility. At the same time, we heavily subsidize health insurance for the upper and middle classes through a regressive tax policy that excludes from an employee's income the value of insurance premiums contributed by employers. Moreover, for those who are fully insured, we devote vast resources to save lives and restore health once an illness or accident occurs, but we

spend only microscopic amounts in comparison on basic safety, health education, and health prevention measures. Medical care is also rationed when insurance benefits are limited for mental health, dental, and nursing home services.

The haphazard and unprincipled basis on which rationing presently occurs effectively rebuts another argument raised by critics of rationing, namely, that rationing should occur only under numerous, morally demanding conditions that do not exist and likely never will. Utopian demands ignore the fact that any systematically thought-out rationing scheme, however flawed, is far superior to the thoughtless and inhumane way in which many uninsured people are now treated. A more considered form of resource allocation is the first step, not the last, toward social equity and broad-based reform.

Tough Questions, Hard Choices

Asking the Right Questions

Let us begin by asking how, where, and by whom does rationing occur. Medical spending decisions are made at three different levels. At the macro or global level, society must decide, whether purposefully or by default, how much of its resources to devote to the medical enterprise. At present, the U.S. devotes about 14 percent of its total economic output to medicine; although there is no way to know for certain what is the correct level of total spending, there is broad consensus that the U.S. spends far more than it should for what it receives.

What we get for what we spend raises the second, intermediate level of resource allocation. Total medical spending must be allocated among preventive versus curative versus palliative treatment, and between acute versus chronic ailments. Total spending also must be allocated among mental versus physical, cardiovascular versus endocrinology, and countless other subdivisions within medical practice. Here too, there is undeniable evidence of misallocation. Most policy analysts believe we spend far too little of our medical budget on preventative care, and many believe that those who suffer from chronic ailments are neglected in favor of either futile or wasteful attempts at curing acute illness.

The third level consists of the microscopic treatment decisions made at the bedside level. Which patient receives which scarce organ for a life-saving transplant is the most dramatic example, but micro-level rationing also includes more mundane questions such as when to use generic versus expensive antibiotics, whether an MRI scan is advisable, and whether a patient without insurance must be treated. Here too, misallocation is easy to spot. Many individual items of care are massively overprescribed for those with insurance. According to some studies, almost half the coronary bypasses, the majority of Caesarean sections, and a significant proportion of many other procedures are unnecessary or of questionable value. Meanwhile, more than 40 million Americans lack insurance at any point in time and so their access to basic care is severely hampered. Even more disturbing, there is strong evidence that patients with equivalent insurance and similar health conditions receive different treatment according to their race and socioeconomic status.

These three levels of rationing are not hermetically divided. They blend into and influence each other in a disorderly, interconnected pattern that is not at all easy to demarcate or disentangle. Accordingly, this summary does not provide much insight

Many believe that those who suffer from chronic ailments are neglected in favor of either futile or wasteful attempts at curing acute illness.

into how spending decisions are actually made. Understanding the nitty gritty of how health care is rationed requires us to look at the institutions and processes in society that control the critical decisions at each of these levels, and ask what are their attractive features and ugly flaws? These questions remain important regardless of the overall structure of a health care financing and delivery system. Whether it is regulatory or competitive, public or private, we are plagued by two basic issues: (1) who should decide what care is not worth the costs,

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and (2) what criteria of benefit should be used to make this determination?

The second of these problems is the one that has received more attention to date. Numerous volumes have been written on questions such as whether the short supply of transplantable organs should be distributed based simply on random draw or who has been waiting the longest, or instead based on elaborate concepts of medical need or medical benefit. This literature also gives extensive thought to routine medical technologies. It explores whether medical resources generally should be rationed according to age or instead according to some more quantitative formula for effectiveness or value. Others before me have debated at length whether medical benefits should be defined by the number of lives saved, the length of life, the quality of life, or some more intermediate goal such as diagnostic certainty, and whether judgments about people's social worth can be prevented from tainting these concepts.

These are tremendously fascinating and important questions deserving of continuing inquiry, but they avoid what I see as a more fundamental question: Who should be the rationing decision maker? Medical spending decisions can be made through three fundamentally different mechanisms. Cost-sensitive treatment decisions can be made by patients, by physicians, or by third parties—primarily private and governmental insurers but also various regulatory or review organizations. Elsewhere in our economy, cost/benefit trade-offs are usually made through the purchasing decisions of individual consumers. For example, nutrition resources are allocated at both the macro and micro levels through the aggregation of countless individual decisions of how much food to buy, of what quality, and from what source. This simple market mechanism is not generally available or desirable for health care because of the unpredictability of illness and the complexities of medical judgment. We purchase insurance rather than pay out of pocket because we want to protect ourselves from the uncertain costs of health care and the anxiety of making spending decisions under the strain of serious illness. Moreover, even without insurance, patients make few of their medical decisions themselves because the complexity of treatment compels them to delegate extensive authority to their doctors. Therefore, most medical spending decisions are necessarily made through the agency of insurance and the agency of physicians.

Insurers, either private or governmental, can make medical spending decisions through cost-sensitive rules about what treatment they will pay for. Until recently, this has seldom happened, but in 1994 Oregon became the first state to attempt explicit rule-based rationing for all of medicine. Oregon ranked over 600 condition-treatment pairings (e.g. surgery for appendicitis) according to their medical effectiveness, for purposes of allocating limited Medicaid funding. Elsewhere in this country, efforts are under way to develop a host of much more detailed and nuanced clinical practice guidelines, which could also serve as rule-based

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We urgently need to remedy defects in consumer choice by moving toward a system for insurance selection known as "managed competition."

tools for third-party resource allocation. In addition to insurers' payment rules, spending decisions can be imposed by other parties who are similarly outside the doctor-patient relationship. Courts, citizen groups or other ideal democratic processes, and physician administrators who review the work of treating doctors are each able to set limits or give directions on how medical resources are spent. All of these alternatives are deeply flawed because medical practice can never be adequately reduced to a set of prescriptive rules. The complex, uncertain, highly variable, and humane aspects of medicine demand that some substantial role be preserved for physician discretion.

Authorizing physicians to incorporate cost considerations into their clinical judgment is also highly controversial, however. Bedside rationing fundamentally compromises physicians' role-based ethic, which traditionally requires doctors to provide all care that offers any benefit, regardless of its cost. Physician bedside rationing is rendered even more controversial by the use of financial incentives to motivate doctors' performance. Nevertheless, I contend that patients should be allowed to authorize their doctors to make cost/benefit trade-off decisions on their behalf at the bedside. This is more attractive than centralized, rule-based rationing because it individualizes spending decisions to the circumstances of each patient, and it operates through professional incentives rather than bureaucratic authority.

This controversial role for physicians is allowable, however, only if patients in fact consent to the role. The gist of my position is that subscribers are bound by the choices made when they knowingly and freely select an insurance plan with a particular mix of resource allocation systems, whether under a public program or in a private market. But most of us are never told about rationing decisions, much less who makes them, nor are we given any choice over these matters. In my recent work, I have argued that we urgently need to remedy these defects in consumer choice by moving toward a system for insurance selection known as "managed competition." This structure was at the heart of both President Clinton's rejected 1993 plan and several of its contenders, and it is at the heart of the Medicare reforms recently crafted by Republican legislators. Some version of managed competition already exists for most very large private employers, many government employees, and several state Medicaid programs (e.g., Arizona and Tennessee).

Regardless of whether society ultimately prefers market or government systems in general, it must decide in what circumstances patients, doctors, or various outsiders are best positioned to make medical spending decisions. Society certainly should not make this choice solely according to the analytical musings of an academic lawyer, nor could it very well do so, for I have failed to give any definite answer to these inquiries. My purpose is not to settle this debate, only to lay the groundwork for further thought by exposing the subtleties and complexities contained in these imperfect options. My objective will be met if the reader is convinced to avoid the attraction of absolutist taboos and simplistic solutions and instead is motivated to give this intractable problem hard thought that spawns creative ideas, if not permanent solutions. ■

Mark A. Hall is a professor of law and public health at Wake Forest University with primary appointments at the School of Law and the Bowman Gray School of Medicine. He also teaches at the Babcock Graduate School of Management. The preceding is based on the first chapter of his book, Making Medical Spending Decisions, *which will be published later this year by Oxford University Press.*

Alumni News

Centennial celebration

Friends honor Fred B. Helms, oldest living law school grad

Friends of distinguished alumnus Fred B. Helms (JD '22), the oldest living graduate of the School of Law, helped him celebrate his 100th birthday in April by supporting a scholarship in his name.

Twelve friends made gifts to the Fred B. Helms Scholarship Fund in the law school in honor of his birthday. The scholarship, established in 1982, is awarded annually to a student demonstrating financial need and scholarship with preference given to a North Carolinian.

Helms opened his own law office in Charlotte in 1992 and built that firm, now Smith Helms Mulliss & Moore, into one of the largest and most distinguished in the state. He served as a Mecklenburg County judge in the 1920s, fought political corruption in the thirties, and was president of the N.C. State Bar in the forties. He led numerous civic, political, and religious causes and organizations in Charlotte throughout the years.

FRED B. HELMS

Helms received the Distinguished Alumnus Award from Wake Forest in 1971 and served on the Law Board of Visitors in the 1970s.

Those making gifts in honor of Helms were: Francis I. Parker, Martha Gullick Taylor, Ethel H. McMillan, Jane Stewart Thomas, Patricia J. Lookabill, Mr. and Mrs. Ray A. Killian Jr., Mr. and Mrs. B. Bernard Burns Jr., Kenneth C. Day, Mr. and Mrs. W. H. Melton Jr., Rebecca E. Edwards, Beulah Hill, and James Sweat.

1956

Hugh M. Wilson of Lenoir, NC, is serving a second term as chair of the Board of Trustees of Caldwell Community College.

Edward Knox of Charlotte has gained national certification with the National Board of Trial Advocacy with Board Certification of Civil Trial Attorneys.

1960

Carroll Franklin Gardner (BA '58) of Mount Airy, NC, has been elected a councilor to the North Carolina State Bar.

1963

Douglas Lee Winslow of Wilkesboro, NC, has been elected a councilor to the North Carolina State Bar.

1964

Sidney Eagles Jr. (BA '61) of Raleigh, NC, received a presidential award from the Wake County Bar Association for extraordinary service to the bar and the community.

Richard Howington (BA '66) of Winston-Salem has co-authored a chapter on physician group practices in Little Brown's new *Health Care Corporate Law* series.

1968

Donald K. Tisdale and three partners have formed the law firm Tisdale, Grace, Menefee & Costner in Winston-Salem.

Meyressa H. Schoonmaker (BA '62) of Winston-Salem, has received NC Equity's Carpathian Award for Personal Advocacy.

1969

Thomas Thorton has joined the firm of Adams, Kleemeier, Hagan, Hannah & Fouts in Greensboro, NC. He will continue his practice in construction law, commercial law, business transactions, litigation, collections, and debtor-creditor relations.

1970

The firm of Lewis and Daggett in Winston-Salem, owned by **Michael Lewis** (BA '67) and **David Daggett** (JD '85), received the Jake Alexander Award from the Governor's Highway Safety Program. The award recognized the firm's six-year promotion of drug and alcohol-free prom nights.

1971

Adam Grant (BA '69), a District Court Judge in Concord, NC, has been honored by the Foundation for the Improvement of Justice, Inc. for his "Meet the Courts and Law Enforcement" program.

1974

Kenneth D. Knight was elected a councilor to the North Carolina State Bar.

1975

John Martin spoke at an NCBA gathering on insurance coverage for punitive damages and international torts in Raleigh, NC. He is with the firm of Ward and Smith in Greenville, NC.

1976

Catherine Biggs Arrowood of Raleigh, NC, has been inducted into the Wake County YWCA's Academy of Women. She is a partner with Parker, Poe, Adams & Bernstein.

1977

Keith Clark of Franklin, NC, has been elected to the Southwestern Community College Foundation board.

Michael A. Grace and three partners have formed the law firm Tisdale, Grace, Menefee & Costner in Winston-Salem.

H. Terry Hutchens of Fayetteville, NC, is the new chair of the local Chamber of Commerce.

Steven Little is mayor pro tem of Marion, NC.

Joseph Stroud has joined the Jacksonville, NC, office of Beswick, Coyne, Erwin & Taylor.

Daniel Mercer of Pennsauken, NJ, has joined the Burlington County Bank of Burlington, NJ, as legal counsel and compliance officer.

1978

Gene Pridgen (MBA '75) is a partner with Kennedy Covington in Charlotte.

Notes
Alumni

Robert Sharpe has been appointed senior vice president and general counsel of RJR Nabisco.

1979

Bruce Mitchell DiCicco is a sole practitioner in New York City, specializing in estate planning.

A. Grant Whitney Jr. (BA '76) has been re-elected to the executive committee of the North Carolina Land Title Association. He is a partner in the firm of Parker, Poe, Adams & Bernstein in Charlotte.

John B. Yorke has been appointed vice president, corporate general counsel and secretary of Integon Corporation in Winston-Salem.

1980

Ernie Murray has become a principal in the firm Baker, Jenkins, Jones & Daly in Rocky Mount, NC.

1981

Henry Mangum has joined the firm of Adams, Kleemeier, Hagan, Hannah & Fouts in Greensboro, NC. His practice is concentrated in the areas of business transactions and taxation matters.

1982

Kevin Condon of Fairfield, CT, has been promoted to general counsel and secretary of ACI Holdings Inc. of Stamford, CT.

Earl F. Wall (BA '79) has joined Triad Guaranty Insurance Corp. in Winston-Salem as vice president and general counsel.

1983

Michael Dodson is a civil trial attorney with the Office of the City Attorney in San Jose, CA.

Michael Doran has formed the firm Inge and Doran with a partner in Salisbury, NC. He concentrates on personal injury and business and estate litigation.

John Motsinger of Winston-Salem, is a practitioner member of the Academy of Family Mediators.

1984

Deborah Burgin of Rutherfordton, NC, was named Law Enforcement Judge of the Year in the region which covers Cleveland, Rutherford, Polk and McDowell counties in North Carolina.

Karen Duke has been named vice president of legal services and general counsel of the Board of Trustees at Promina Health System in Atlanta, GA.

1985

John Ciley of Newton, NC, has been appointed by Governor Jim Hunt to a four-year term on the Employment Security Commission of North Carolina.

Nancy Paschall (BA '82) of Gastonia, NC, has been appointed by the American Red Cross as vice chair of field service for her local district.

Randy Sharpe of Hickory, NC, received the Clara Barton Honor Award for voluntary leadership from the state chapter of the American Red Cross.

Giving News

Law fund tops $380,000

As of May 1, $380,000 had been raised for the 1995-96 Law Fund. All funds raised above the $300,000 mark go directly to student scholarships.

Parents' Campaign succeeds

The annual Parents' Campaign has reached its goal of $25,000. John and Priscilla Trinder of Virginia Beach, Virginia, who chaired this year's campaign, announced that $27,110 has been received as of April 4. This is a 25 percent increase over last year's campaign.

Class of 1996 challenge

Mike Wells (JD '74), a member of the Law Alumni Council, has issued a challenge to his fellow council members to join him in raising $4,000 in honor of the Class of 1996. The purpose of this fundraising effort was to allow the 160 new alumni to become "Partners." A new graduate is recognized as a member of the Partners program with a gift of $25 or more to the Law Fund. The Class of 1996 will be included on the Partners Honor Roll and invited to the Partners Banquet which annually recognizes all donors of $250 or more to the School of Law.

Firm commitment

The 1996 Firm Representative Program kicked off this spring. Seventy-six firms with four or more Wake Forest graduates were invited to participate in the program which recognizes firms with 100 percent alumni participation in the Law Fund. This is the third consecutive year the Office of Law Alumni and Development has offered this program. Participation increased in 1995 by 50 percent over 1994.

1986

James E. Meadows spoke at two computer law seminars in March, lecturing on recent telecommunications law developments, at the Practicing Law Institute program in New York City, and the CLE International seminar in Denver. He is a partner with Hicks, Maloof & Campbell in Atlanta, GA.

Richard H. Moore has been appointed secretary of the North Carolina Department of Crime Control and Public Safety in Raleigh, NC.

Russ Schumacher is with the firm of Rand, Algeier, Tosti & Woodruff in Morristown, NJ. His practice focuses on school law and labor negotiations in representing public school districts.

1987

Marguerite Bateman is the assistant general counsel for the Investment Company Institute in Washington, D.C. She lives with her husband and two daughters in Alexandria, Va.

Lisa S. Costner and three partners have formed the law firm Tisdale, Grace, Menefee & Costner in Winston-Salem.

Alumni News

Else named to alumni post

Joshua Else (BA '93) has been named to lead the School of Law's alumni and development program.

Else's appointment as law development officer is effective July 1. He succeeds Ashley A. Flynn, director of law alumni and development, who relocated to Lynchburg, Virginia, after getting married in June.

Since graduating from Wake Forest with a political science major, Else has worked in newspaper advertising sales. A native of Erie, Pennsylvania, he spent the last year earning a teaching certificate in secondary education and working toward his master's in education at Gannon University in Erie.

Supreme Court admits fourteen

Fourteen law school graduates were admitted to the bar of the U.S. Supreme Court and were treated to a private breakfast with most of the justices during a visit to Washington, D.C. on May 13. Dean Robert K. Walsh made the motion to admit the group in the Supreme Court chambers.

Those admitted were: P. C. Barwick Jr. (BA '58, JD '60); Kenneth G. Carroll (BA '82, JD '85); W. Russell Duke Jr. (BA '70, JD '74); Walter C. Holton Jr. (JD '84); H. Edward Knox (JD '63); Frances S. Knox (JD '91); John D. Madden (JD '83); Frank P. Meadows Jr. (JD '56); Carl F. Parrish (JD '74); Sandy G. Patterson (BA '74, JD '77); Mary M. Pope (JD '77); James L. Swisher (BA '61, JD '62); and Donald M. VonCannon (BA '67, JD '71).

Karen Lea McBride is a securities associate at Shefsky, Froelich and Devine Ltd. in Chicago, IL.

Brent C. Shaffer (BA '84) has joined the law firm of Young, Conaway, Stargatt & Taylor in Wilmington, DE. He is a member of the Delaware and Maryland Bar and is practicing commercial real estate law.

Charles Vinicombe is a litigation partner in the firm Drinker, Biddle & Reath in Princeton, NJ. He also is an adjunct member of Seton Hall University Law School.

1988

Alexander Audilet is a partner with Smith, Helms, Mullis & Moore in Greensboro, NC.

Rodney Davis has become a member in the firm of McCoy, Weaver, Wiggins, Cleveland & Raper in Fayetteville, NC.

Steven Rowe (BA '85) has been named a partner with Poyner & Spruill in Rocky Mount, NC.

Robin Shea has become a member of Constangy, Brooks & Smith in Winston-Salem.

Wilson H. Oldhouser and two partners have formed the firm Naka, Huttar & Oldhouser in Baltimore, MD.

1989

James Bryan, of Greensboro, NC, has been named a partner at Adams, Kleemeier, Hagan, Hannah & Fouts.

Dean Hollandsworth is the staff attorney for the Randolph County Department of Social Services in Asheboro, NC. He is serving a second term as judge advocate for the North Carolina District East Civitans.

George Hollodick has become a shareholder in the firm Blanco, Tackabery, Combs & Matamoros. He concentrates in the areas of commercial real estate, commercial finance and long-term health care.

Katherine O'Connor Sommers is a publisher for Lawyers Cooperative Publishing in Raleigh, NC.

William Toole of Charlotte has been named to the Pollution Prevention Advisory Board. He is an attorney with Robinson, Bradshaw & Hinson.

1990

Andy Avram (BA '82) has been named a partner in the firm of Cranfill, Sumner & Hartzog in Charlotte.

Kenneth Carlson of Winston-Salem has been named a shareholder in Edwards, Ballard, Clark and Barrett.

Mark Filburn is a partner with Shepard, Filburn & Goodblatt in Orlando, FL.

Nils Gerber (BA '87) has opened his own law office in Winston-Salem. His new practice will emphasize criminal and civil litigation.

Vicki Goldstein has become a partner of the firm Godfrey, Jacobs, Porter and Goldstein in Winston-Salem. She was recently elected president of the Forsyth County Women Attorney's Association.

David Hall is a partner at Hutchins, Doughton & Moore in Winston-Salem. He concentrates in the area of litigation.

David W. Johnson is a new associate with Rubinstein & Perry in Los Angeles, CA.

Luther Starling of Clinton, NC, has been named to the local board of First Citizens Bank.

Scott Tufts of Asheville, NC, has become a partner in the firm Van Winkle, Buck, Wall, Starnes and Davis.

1991

Grady Crosby has joined the legal department at Sara Lee Corporation in Winston-Salem.

Jeffrey S. White is with Allen, Dyer, Doppelt, Franjola & Milbrath in Orlando, FL.

1992

Walker Lee Allen of Greenville, NC, is an assistant district attorney in Pitt County.

Kenneth Haywood has established his own law practice in Raleigh, NC. His areas of concentration include personal injury, contract litigation and residential/commercial real estate.

Frank G. LaPrade III of Richmond, VA, has joined Capital One Financial Corporation as assistant general counsel.

1993

Lisa Angel has been elected president of The Women's Center for Wake County. She is a divorce attorney with The

Rosen Law Firm in Raleigh, NC.

Scott Bennett (BA '89, MBA '93) is a litigator with Leitner, Warner & Moffitt in Chattanooga, TN.

1994

Scott Davis (MBA '89) is an attorney with Ward, Ward and Ward in New Bern, NC.

Francois Mobasser specializes in entertainment law at Solavay, Marshall & Edlin in New York City. He also is in a band called "Big Carl."

1995

Stuart Albright has joined Adams Kleemeier Hagan Hannah & Fouts as an associate. He will concentrate on civil and commercial litigation.

William Brewer is an associate in the firm Hunter, Smith & Davis in Kingsport, TN. He is in the firm's corporate/commercial litigation section.

Susan Burch and **Ross Ketner** have formed the partnership of Burch & Ketner in Winston-Salem.

Neal Cook is an associate with Parker Poe Adams & Bernstein in Raleigh, NC.

Deanna Davis is employed by The Sanford Law Firm in Raleigh, NC.

Scott Dickinson is an associate with Alston & Bird in Atlanta, GA.

Nathan Duggins has become an associate in the firm of Herrin & Morano in Greenville, NC.

Janis A. Escallier is a law clerk for The Honorable John A. Sweeney in Mt. Holly, NJ.

Ashley Beck Gentry is an associate with the O'Neil Law Firm in Myrtle Beach, SC.

Paul Goodson is an associate with the law offices of Deborah Maury in Greensboro, NC.

Kate Harris is an attorney with Family Dollar Stores, Inc. in Charlotte, NC.

Tom Klein is an attorney adviser with the U.S. Tax Court and lives in McLean, VA.

John Overfield has joined the law firm of Smith Follin & James in Greenboro, NC.

Kris Parks is a staff attorney with North Carolina Prisoner Legal Services in Raleigh, NC.

Barbara Sherman (BA '92) has become an associate at Kennedy, Covington, Lobdell & Hickman in Charlotte. She is a member of the firm's real estate department.

Michael Barry Stein is an attorney with the Lamb Law Offices in Shelby, NC.

JD/MBA

Sharon Hice Lowe ('84) is an attorney with P. M. Sharpe in Mount Airy, NC.

Cliff Britt ('86) is a partner with Robinson, Maready, Lawing & Comerford in Winston-Salem.

Robert W. Morris ('86) is a vice president and trust officer at BB&T in Charlotte.

Law Board of Visitors

New Members:

Charles Blixt
Winston–Salem, North Carolina

Michael A. Grace (JD '77)
Winston–Salem, North Carolina

Bill McBride
Tampa, Florida

Kenneth A. Moser
(BA '65, JD '68)
Winston–Salem, North Carolina

Eugene C. Pridgen
(MBA '75, JD '78)
Charlotte, North Carolina

James R. VanCamp (JD '65)
Carthage, North Carolina

Ranlet S. Willingham (JD '89)
Winston–Salem, North Carolina

Law Alumni Council

New Officers:

M. Daniel McGinn
(BA '64, JD '67)
1996–97 President
Greensboro, North Carolina

Albert R. Bell Jr. (JD '75)
President–Elect
New Bern, North Carolina

New Members:

Stephen R. Berlin
(BA '81, JD '84)
Winston–Salem, North Carolina

Grady L. Crosby (JD '91)
Winston–Salem, North Carolina

Donald A. Donadio
(BA '65, JD '67)
Raleigh, North Carolina

Mark L. Drew (BS '83, JD '88)
Birmingham, Alabama

George D. Kimberly Jr.
(BA '84, JD '87)
Greensboro, North Carolina

Jennifer R. Lynch (JD '88)
High Point, North Carolina

R. William McCanless (JD '82)
Salisbury, North Carolina

John F. Morrow (JD '82)
Winston–Salem, North Carolina

T. Lawrence Pollard (JD '74)
Durham, North Carolina

Lesley G. Powell ('77, JD '83)
Richmond, Virginia

Emily W. Streett
(BA '83, JD '87)
Washington, D.C.

Lanny T. Wilson (JD '89)
Wilmington, North Carolina

Powell Peters ('86) is in the firm of Wolcott, Rivers, Wheary, Basnight & Kelly in Virginia Beach, VA.

Bim Tudor ('86) is a director with Floyd & Tudor in Nashville, TN.

Deborah Long Edwards ('87) is an attorney with Continental General Tire, Inc. in Charlotte.

John Griffing (JD '87, MBA '88) is an attorney with Alala, Mullen, Holland & Cooper in Charlotte.

Alumni News

Ken Moser (JD '68), *right*, past president of the Law Alumni Council, presents Dean Robert K. Walsh with a framed honor roll recognizing alumni who made contributions to the 1994–95 Law Alumni Challenge in honor of the school's centennial.

Bill Toole ('89) is an attorney with Robinson, Brad-shaw & Hinson in Charlotte.

Lee Garber Jr. ('90) is director of recruiting at Merritt, Hawkins & Associates in Irving, TX.

Mark Conger ('91) is an attorney with Petree Stockton in Winston-Salem.

Mike Crews ('91) is assistant vice president of development at Colombia/ HCA Healthcare Corporation in Dallas, TX.

Matt Beagle ('91) is an account executive at Pennsylvania House Furniture Company in Westlake, OH.

Clayton Doron Morgan ('91) is an attorney with Smith, Debnam, Hibbert & Pahl in Raleigh, NC.

Jeff Whittle ('91) is a patent attorney with Bell, Seltzer, Park & Gibson in Charlotte.

Jon Myers ('92) is a self-employed attorney in Lexington, NC.

Caryn Marie Chittenden ('93) is an associate attorney with Blair, Conaway, Bograd & Martin in Charlotte.

Ken Hunt ('93) is marketing manager at Sara Lee Knit Products in Winston-Salem.

John Whitfield Wilks ('93) is an attorney with Johnston, Taylor, Allison & Hord in Charlotte.

Haywood Barnes ('94) is an attorney with Carruthers & Roth in Greensboro, NC.

Brian Petula (JD/MBA '94) has joined Farr Associates in Greensboro, NC, as a director of planning and development. His duties include public relations and new product development.

Marriages

Russ Schumacher (JD '86) and Judy Ferguson. 7/29/94

Katherine O'Connor (JD '89) and Larry Sommers. 10/94

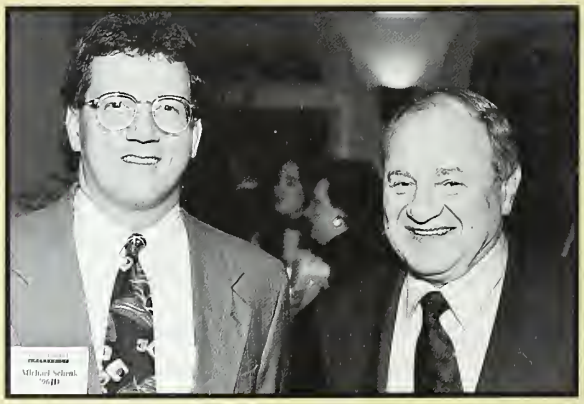
Walker Lee Allen (JD '92) and Allison Belrose. 10/28/95

Sally Graham (JD '93) and **Joe Helweg** (JD '94). 7/20/93

Ashley Beck (JD '95) and Chris Gentry. 5/27/95

Births

Randolph M. James (JD '81) and Sue C. James, Winston-Salem: daughter, Elizabeth Cagle James. 4/10/96



Members of the Law Alumni Council hosted a reception for third-year students in February. Enjoying the reception were *(left):* Rick Dunham (JD/MBA '96), Kathy Brown (JD '96) and LAC member John Madden (JD '83) of Raleigh, NC; and *(above):* Michael Schenk (JD '96) and LAC member Arnie Stone (JD '59) of Emerald Isle, NC.

Law Homecoming Weekend 1996

OCTOBER 4 – 5

Tentative Schedule:

Friday, October 4

PARTNERS' BANQUET
6:30 P.M.
Bermuda Run Country Club

Saturday, October 5

PRE-GAME RECEPTION
4:30 P.M.
Piccolo Park, Groves Stadium

6:30 P.M.
WAKE FOREST VS.
UNC-CHAPEL HILL

Hotel Information:

HOLIDAY INN
University Parkway
910-723-2911

COURTYARD BY MARRIOTT
University Parkway
910-727-1277

Please specify that you are with the Law Alumni Block

Class Contacts For Special Reunion Events:

1961
LEON CORBETT
(910) 759-6101

1966
JIM WILLIAMS
(910) 373-8850

1971
GARY TASH
(910) 760-1400

1986
CLIFF BRITT
(910) 631-8500

FOR MORE INFORMATION, CALL THE OFFICE OF LAW ALUMNI AND DEVELOPMENT 1-800-752-8570.

CLIFF BRITT (JD '86) *(top)* and GARY TASH (JD '71) *(bottom)* are chairing their classes' reunion planning committees. The committees met on campus in March to plan events for Law Homecoming Weekend October 4–5.

Notes
Alumni

Alumni News

Class act

Twenty members of the Class of 1965 gathered for a twentieth reunion celebration in Pinehurst, North Carolina, in November.

James R. VanCamp and William B. Crews, both attorneys in Moore County, co–chaired the reunion.

"Ours was a very small class [fifty students] and a closely knit group, and we knew each other well and were friends," said Crews. "Many of us have kept in touch through the years."

VanCamp remembered that their years at the law school were marked by several historical events, including the Cuban Missile Crisis, the assassination of President John F. Kennedy, and the escalating war in Vietnam.

"The fates put us together," VanCamp said. "We were a group of individualists and rebels who were united by this extraordinary chemistry."

Among the most well–known members of the class are Leo Daughtry of Smithfield, North Carolina, the majority leader in the North Carolina House of Representatives; Al Onorato of New Haven, Connecticut, a member of the Connecticut legislature; Jack Thompson of Fayetteville, North Carolina, a Superior Court judge; and Warren Sparrow of Winston–Salem, a former district attorney for Forsyth County.

James R. VanCamp (JD '65) of Pinehurst, North Carolina *(left)* and William B. Crews (JD '65) of Southern Pines, North Carolina, co–chaired a reunion celebration for the Class of 1965 last November.

Class of 1965 members attending the reunion were *(front row, left to right)* Billie Poole, Jack Thompson, Robert Porter, William Trevorrow, Alfred Onorato, and Jeff Bruton; *(back row, left to right)* John Morrow, Jimmy Barnhill, Henri Mazzoli, Clyde Wootton, Raymond Alexander, Warren Sparrow, James VanCamp, William Crews, Larry Ford, James Walker, Terry Hutchins, and Russell Dement.

Michael Dodson (JD '83) and Suzanne Dodson, San Jose, CA: son, Samuel. 7/25/95

Robert A. J. Lang (JD '84) and Whitney Smith Lang, Winston-Salem: son, Justin Hine. 7/6/95

Robert "Bucky" Saraga (JD '86) and Nanette Saraga, Boca Raton, FL: son, Andrew Blake 11/21/95

Anthony Ehler (JD '87) and Gina Ross Ehler, Columbus, OH: son, Patrick Alexander. 7/8/94

Peter Lane (JD '87) and **Katrina Lane** (JD '90), Rutherfordton, NC: son, Spencer McCavley. 7/17/95

Karen Lea McBryde (JD '87) and J.P. McBryde, Chicago, IL: son, Rostan. 6/20/95

Mark Filburn (JD '90) and Maureen Filburn, Orlando, FL: daughter, Lauren Marie. 5/17/95

Anne Hogewood (JD '90) and **Lee Hogewood** (JD '90), Charlotte, NC: son, Sarah Anne. 3/21/96

Jennifer Martin Wagoner (JD '90) and **David Wagoner** (JD '90), Charlottesville, VA: daughter, Caroline Grace. 10/29/95

Carolyn Wilson (JD '90) and Todd Poston, Raleigh, NC: son, Robert Laurence. 4/5/95

Jeff Wigington (JD '92) and Lyn Wigington, Corpus Christi, TX: daughter, Ella Barbara. 9/12/95

Deaths

Leon Dudley Smith (JD '33) Dec. 23, 1995, Elizabethtown, NC.

Joseph D. Blythe (JD '36) Harrellsville, NC.

Hamilton H. Hobgood (JD '41) Nov. 15, 1995. Louisburg, NC. As a North Carolina Superior Court Judge from 1955-1979, he was known for his no-nonsense style, running his courtroom with a firm hand. He continued to serve as a special judge for years after his retirement. He served two terms in the North Carolina Senate, in 1951 and in 1953, and was a frequent teacher at Louisburg College and at the Institute of Government. He received the Outstanding Alumni Service Award from the Jurist in 1978.

Robert Henry Cowen (JD '42) Nov. 6, 1995, Williamston, NC.

D. K. Stewart (JD '50) Nov. 4, 1995, Dunn, NC.

Angelo Anest Coutras (JD '57) February 5, 1996, Jacksonville, FL.

Albert James Post (BS '62, JD '64) Reidsville, NC.

John Bost III (JD '67) Jan. 8, 1996, Lenoir, NC.

A *Career* In *High* Gear

David M. Furr

David M. Furr ('80, JD '82) is a lawyer with a client in the fast lane. As NASCAR star Dale Earnhardt's attorney, he helps oversee the business interests of a seven-time Winston Cup champion and his multimillion dollar enterprises.

Furr's own career could be described as on the fast track. It certainly has accelerated quickly from a decade ago, when he knew little about big-time stock-car racing and even less about Dale Earnhardt. Now, he is shifting into high gear with formation of a company devoted to managing the careers of other professional athletes.

All this might seem slightly incongruous for a tax attorney. It all started in 1986, when Furr got a call from Earnhardt's accountant on a tax matter. "I hadn't followed stock-car racing, and I hardly knew who he [Earnhardt] was," Furr recalls. But one thing led to another, and soon he was representing the legal interests of the driver they call The Intimidator.

In 1992, Donald G. Hawk Jr. took over Earnhardt's business affairs as president of Dale Earnhardt Inc. upon the death of his first racing client, Alan Kulwicki. Since then, Hawk and Furr have screened and made recommendations on the thousands of endorsement offers Earnhardt receives every year.

"Principally what I do is licensing," says Furr, a partner in the firm of Gray, Layton, Drum, Kersh, Solomon, Sigmon & Furr with offices in Gastonia and Charlotte. "The world wants to license Dale Earnhardt."

Indeed. Through Sports Image, Inc., the merchandising subsidiary of Dale Earnhardt Inc., fans of The Man in Black can buy scores of items ranging from key chains to a $6,500 leather jacket. Especially popular are special-edition model racing cars that sell for $35 and up and quickly accelerate in value as collectibles. A model of the red, white, and blue car Earnhardt will drive in the Winston Select race honoring the Olympics sold out before it was manufactured.

Earnhardt also has long-term relationship contracts with General Motors and Mr. Goodwrench as well as deals to endorse products ranging from credit cards and long-distance phone services to cereals and soft drinks. It all adds up to a generous slice of the lucrative NASCAR retail pie, estimated to grow from $500 million today to more than $1 billion by 1998. Small wonder that *Forbes* magazine, in its most recent listing of professional-athlete endorsement incomes, ranks Earnhardt sixth. ESPN recently reported that Earnhardt, Arnold Palmer, and Michael Jordan earn the most from endorsements of all professional athletes.

But for every deal Furr and Hawk cut for Earnhardt, they leave dozens more on the table. "Our goal always is to do what is good for Dale and the sport," says Furr, who has been an adjunct professor of tax law at the law school since 1989. "We turned down a $1 million deal because it wasn't right."

With several huge new super tracks built or planned, the sport's increasing popularity among the affluent, and the growing popularity of truck racing, NASCAR's pace keeps picking up. But Furr isn't content to go on cruise control. He has registered as a player agent with the NFL and NBA and formed—with partners including Hawk and former Wake Forest basketball player Marc Blucas—Sports Prism International, a firm specializing in managing the careers of professional athletes.

"Right now," Furr says," we're just drafting in the fast lane." ■

Wake Forest Jurist

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